

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS**

MARY ANN WHITEKER and  
JERRY N. WHITEKER,  
Plaintiff,

V.

CHASE BANK USA, NA.,  
ARROW FINANCIAL,  
EXPERIAN SERVICES, CORP.,  
TRANS UNION, LLC  
EQUIFAX, INC., and ACADEMY  
COLLECTION SERVICE, INC.

Defendants.

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CIVIL ACTION NO.  
9:06-CV-00113-TH  
JURY TRIAL DEMANDED

**DEFENDANT CHASE BANK USA, N.A.'S CONSOLIDATED APPENDIX IN SUPPORT  
OF ITS MOTION FOR SUMMARY JUDGMENT AGAINST JERRY WHITEKER AND  
ITS MOTION FOR SUMMARY JUDGMENT AGAINST MARY ANN WHITEKER**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and subject to its pending Motion to Compel Arbitration, Defendant Chase Bank USA, N.A. (“Chase”) files this Consolidated Appendix in Support of its Motion for Summary Judgment Against Jerry Whiteker and its Motion for Summary Judgment Against Mary Ann Whiteker, in compliance with Local Rule 56. Included in this Appendix is the following summary judgment evidence relied upon by Chase in both its Motion for Summary Judgment Against Jerry Whiteker and in its Motion for Summary Judgment Against Mary Ann Whiteker. Where appropriate, certain personal information has been redacted pursuant to the local rules of this Court. The following materials are incorporated by reference into its both motions the same as if fully attached to both:

DEFENDANT CHASE BANK USA, N.A.'S CONSOLIDATED APPENDIX IN SUPPORT OF ITS MOTION  
FOR SUMMARY JUDGMENT AGAINST JERRY WHITEKER AND ITS MOTION FOR SUMMARY  
JUDGMENT AGAINST MARY ANN WHITEKER -- Page 1

- A. Deposition Excerpts of Jerry Whiteker, Volume 1.
- B. Deposition Excerpts of Jerry Whiteker, Volume 2.
- C. Deposition Excerpts of Mary Ann Whiteker, Volume 1.
- D. Deposition Excerpts of Mary Ann Whiteker, Volume 2.
- E. Deposition Excerpts of Mary Ann Whiteker, Volume 3.
- F. Deposition Excerpts of Joette Herrera (Chase Bank).
- G. Deposition Excerpts of Teresa Iwanski (Experian).
- H. Deposition Excerpts of Steven Newnom (TransUnion).
- I. Deposition Excerpts of Alicia Fluellen (Equifax).
- J. Jerry Whiteker's Responses to Chase's Interrogatory Nos. 5-11, 14.
- K. Jerry Whiteker's Response to TransUnion's Interrogatory No. 8.
- L. Jerry Whiteker's Responses to Experian's Interrogatory No. 7, 11, 15.
- M. Excerpts from Transcript of Hearing on September 11, 2006.
- N. Affidavit of Donna Barrett, previously filed 07/25/06(docket no. 19).
- O. Second Amended Complaint.
- P. Affidavit of Nicole Quirk, with Exhibits.

Respectfully submitted,

/s/ Brian A. Kilpatrick

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ATTORNEYS FOR CHASE BANK USA, N.A.

### **CERTIFICATE OF SERVICE**

This is to certify that on March 8, 2007, the undersigned electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Brian A. Kilpatrick

Brian A. Kilpatrick

### **CERTIFICATE OF AUTHORIZATION**

This is to certify that I will separately file Exhibit F Under Seal Pursuant to the Stipulated Protective Order entered by the Court on 11/29/06, docket no. 62.

/s/ Brian A. Kilpatrick

Brian A. Kilpatrick

DEFENDANT CHASE BANK USA, N.A.'S CONSOLIDATED APPENDIX IN SUPPORT OF ITS MOTION  
FOR SUMMARY JUDGMENT AGAINST JERRY WHITEKER AND ITS MOTION FOR SUMMARY  
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